



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

1

John P McCann & Elizabeth A McCann (Trust)**Case No. 11CEPR00871**

Atty

Judd, Darin T. (Attorney for Daniel J. McCann)

Atty

Sartore, John T. (Petitioner)

Application for Admission of John T. Sartore to the Bar of this Court Pro Hac Vice

		JOHN T. SARTORE is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	w	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		Petitioner states he is a Director of the law firm of Paul Frank + Collins and applies for admission to practice before this Court <i>pro hac vice</i> in order to represent Daniel J. McCann in this action.	
		See petition re details. Petitioner states he was admitted to practice before the Supreme Court of the State of Vermont in 1972, the Supreme Court of the State of New York in 1989, the U.S. District Court for the District of Vermont in 1972, the U.S. District Court for the Northern District of New York in 1989, the U.S. District Court for the Southern District of New York in 2007, the Supreme Court of the United States in 1999, the U.S. District Court for the Northern District of Illinois in 2010, and the U.S. District Court for the Western District of New York in 2013. He is currently a member in good standing in such courts. He has not been suspended or disbarred in any courts. In the preceding two years, he has not applied to appear <i>pro hac vice</i> in any other California actions.	
		Darin T. Judd of Thompson, Welch, Sorok & Gilbert is counsel of record in this action.	
			Reviewed by: skc
			Reviewed on: 9-8-14
			Updates:
			Recommendation:
			File 1 - McCann

(1) Waiver of Accounting and Petition for Allowance of Commissions and Fees
and (2) For Final Distribution

DOD: 06/22/11		KAREN FLAGLER , Administrator, is Petitioner. Accounting is waived. I & A - \$222,602.61 POH - \$367,515.12 Administrator - \$7,452.05 (statutory) Attorney - \$7,452.05 (statutory) Costs - \$1,357.66 (filing fees, publication, probate referee) Petitioner states that all estate assets are the community property of decedent and his surviving spouse, Patricia Bandoni. Distribution, pursuant to intestate succession, is to: Patricia Bandoni - \$367,515.12 (consisting of cash, stocks and mutual funds)	NEEDS/PROBLEMS/COMMENTS:
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory		
<input checked="" type="checkbox"/>	PTC		
<input checked="" type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail w/		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters 08/08/13		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input checked="" type="checkbox"/>	FTB Notice		
		Reviewed by: JF Reviewed on: 09/08/14 Updates: Recommendation: SUBMITTED File 3 - Bandoni	

Waiver of Accounting and Petition for Final Distribution and for Allowance of Compensation for all Services Rendered

DOD: 2-7-13		STEVEN ANDERSON , Executor with Full IAEA without bond, is Petitioner. Accounting is waived. I&A: \$269,212.25 POH: \$269,212.25 (\$262,684.00 is cash.) Executor (Statutory): \$8,384.25 Attorney (Statutory): \$8,384.25 Costs: \$1,324.69 Closing: \$1,000.00 Distribution pursuant to the decedent's will: Steven Anderson as trustee of the John H. Schafer Trust dated 10-4-02: Entire estate	NEEDS/PROBLEMS/COMMENTS: 1. Need itemization of costs pursuant to Local Rule 7.17. 2. Need order.	
	Aff.Sub.Wit.			
✓	Verified			
✓	Inventory			
✓	PTC			
✓	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			w/o
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
✓	Letters			1-22-14
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
✓	9202			
	Order			x
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
✓	FTB Notice			
			Reviewed by: skc Reviewed on: 9-8-14 Updates: Recommendation: File 4 - Schafer	

5 George Joaquin Galvan (Estate)

Case No. 13CEPR01046

Atty Cowin, Michael D. (Pro Per Petitioner)

Atty Cowin, Daniel Ray (Pro Per Petitioner)

First Amended Petition for Probate of Will and for Letters Testamentary

DOD: 8-16-13	MICHAEL D. COWIN and DANIEL RAY COWIN , named Co-Executors without bond, are Petitioners.	NEEDS/PROBLEMS/COMMENTS: <u>Note: Petitioners filed a Petition for Termination of Proceedings on 6-27-14 that was set for 8-4-14. However, there were no appearances on 8-4-14 and the Court continued the matter to 9-22-14 and also set an Order to Show Cause for explanation.</u> <u>Note: The progression of this estate matter is highly unusual.</u> <u>Please see notes on Page 2.</u>
Cont. from 031314, 050114, 062614		
<input type="checkbox"/>	Aff.Sub.Wit.	
<input checked="" type="checkbox"/>	Verified	
<input type="checkbox"/>	Inventory	
<input type="checkbox"/>	PTC	
<input type="checkbox"/>	Not.Cred.	
<input checked="" type="checkbox"/>	Notice of Hrg	
<input checked="" type="checkbox"/>	Aff.Mail	W
<input type="checkbox"/>	Aff.Pub.	X
<input type="checkbox"/>	Sp.Ntc.	
<input type="checkbox"/>	Pers.Serv.	
<input type="checkbox"/>	Conf. Screen	
<input checked="" type="checkbox"/>	Letters	
<input checked="" type="checkbox"/>	Duties/Supp	
<input type="checkbox"/>	Objections	
<input type="checkbox"/>	Video Receipt	
<input type="checkbox"/>	CI Report	
<input type="checkbox"/>	9202	
<input checked="" type="checkbox"/>	Order	
<input type="checkbox"/>	Aff. Posting	
<input type="checkbox"/>	Status Rpt	
<input type="checkbox"/>	UCCJEA	
<input type="checkbox"/>	Citation	
<input type="checkbox"/>	FTB Notice	

Full IAEA – ok

Will dated: 3-19-04

Residence: Clovis

Publication – Business Journal

Estimated Value of the Estate:
Personal property: \$220,000.00

Probate Referee:
Steven Diebert

Reviewed by: skc
Reviewed on: 9-8-14
Updates:
Recommendation:
File 5 – Galvan

Page 2

Examiner's Note re History of this matter: According to the decedent's will, the heirs to this estate are the decedent's four (4) stepsons, Alvin Leon Cowin, Kenneth Paul Cowin, Michael Dale Cowin, and Daniel Ray Cowin. The will names Michael Dale Cowin, and Daniel Ray Cowin as co-executors.

Michael Cowin previously filed a Petition for Probate of Will requesting to be appointed as Executor alone. However, at the hearing on 1-23-14, Daniel Cowin, the other named co-executor, appeared, and the parties were directed to participate in mediation.

An agreement dated 1-23-14 between Michael Cowin and Daniel Cowin addresses working together to identify assets and includes a list of accounts. The agreement states they are working on a plan for distribution.

On 1-27-14, Michael Cowin's original petition was denied without prejudice and the Court directed that an amended petition be filed and no republication be required.

This Amended Petition for Probate of Will and for Letters Testamentary was filed on 2-11-14 by Michael Cowin, and Daniel Cowin together, and has been continued since then.

A second mediation agreement was filed on 3-10-14 wherein the petitioners appear to agree to various distributions.

Examiner previously that distributions were not appropriate at this time, as the probate estate has not yet been opened.

However, per minute order 3-13-14, the Court was advised that an agreement was reached during mediation, and Petitioners were directed to file a petition to close an estate with no assets.

A Petition to Terminate Proceedings was filed on 6-17-14 and set for hearing 8-4-14; however, there were no appearances and the Court set an Order to Show Cause for 9-22-14 to explain the request.

Examiner's Note Re Petition to Terminate Proceedings: Examiner noted for the hearing on 8-4-14 that the Court may require clarification regarding how there was originally estimated to be \$220,000.00 in personal property assets, and the mediation agreements included reference to various accounts and also agreements for distributions, but now according to this petition, this is a "no-asset" estate?

How was it determined that the assets that were originally alleged and later identified in the agreements, were not subject to probate? There is no explanation of how it was determined that the assets were not subject to administration, and no explanation as to the discrepancy in the amounts.

Probate estates are protective proceedings designed to ensure that all interested persons have been given notice, etc. This includes heirs and potential creditors of the decedent, as well as various governmental agencies, such as the Franchise Tax Board and the Dept. of Health Care Services. As such, there are various types of proceedings, and various steps required for each type.

In a probate estate, Court authorization is necessary before any distribution of assets. The mediation services that are available to litigants are not a substitute for the procedures required by law.

Because Petitioners are not represented by legal counsel, Examiner brings up these details for the Court's consideration, even though the will was never admitted to probate and Letters never issued.

**Petition for Determination of Validity of Trust Amendment; in the Alternative for
order Confirming Exercise of Power of Appointment**

		SUSAN FORD FRANTZICH , Beneficiary, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>A demurrer was filed and set for hearing on 8-7-14, and continued to 9-8-14 (Page B).</u> <u>Therefore, Examiner Notes are not provided at this time.</u>
Cont. from 071514, 080714			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		Reviewed by: skc	
		Reviewed on: 9-8-14	
		Updates:	
		Recommendation:	
		File 6A - Ford	

**Notice of Demurrer and Demurrer to Petition for Determination of Validity of Trust
Amendment, in the Order Confirming Exercise of Power of Appointment**

		NEEDS/PROBLEMS/COMMENTS: Examiner Notes are not provided for this type of filing.	
Cont. from 080714			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Reviewed by: skc	
		Reviewed on: 9-8-14	
		Updates:	
		Recommendation:	
		File 6B – Ford	

Atty Kruthers, Heather H. (for Public Guardian – Petitioner)

Atty Rindlisbacher, Curtis D. (Court Appointed for Conservatee)

Petition for Appointment of Probate Conservator of the Person and Estate (Prob. C.
1820, 1821, 2680-2682)

Age: 74		<u>TEMPORARY EXPIRES 08/28/14</u>		NEEDS/PROBLEMS/COMMENTS:	
		PUBLIC GUARDIAN , is Petitioner and requests appointment as Conservator of the Person and Estate without bond.		<u>CONTINUED FROM 08/28/14</u>	
				Court Investigator advised rights on 08/18/14.	
Cont. from 082814		Estimated Value of the Estate: Annual income - \$17,436.00		Note: Declaration of Hoyle Leigh, M.D. states that Mr. Toscano lacks capacity to give informed medical consent and supports dementia powers, however Petitioner did not request medical consent or dementia powers.	
	Aff.Sub.Wit.			Note: If the petition is granted status hearings will be set as follows:	
✓	Verified			• Thursday, January 8, 2015 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal and	
	Inventory			• Thursday, October 29, 2015 at 9:00a.m. in Dept. 303 for the filing of the first account	
	PTC			Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter, the status hearing will come off calendar and no appearance will be required.	
	Not.Cred.			Note: The Order/Letters do not include medical consent or dementia powers.	
✓	Notice of Hrg			Reviewed by: JF	
✓	Aff.Mail	w/		Reviewed on: 09/08/14	
	Aff.Pub.			Updates:	
	Sp.Ntc.			Recommendation:	
✓	Pers.Serv.	w/		File 7 - Toscano	
	Conf. Screen	n/a			
✓	Letters				
	Duties/Supp	n/a			
	Objections				
	Video Receipt	n/a			
✓	CI Report				
	9202				
✓	Order				
	Aff. Posting				
	Status Rpt				
	UCCJEA				
✓	Citation				
	FTB Notice				

Petitioner states: the proposed conservatee is non-ambulatory and uses a wheelchair or travels on his knees where he needs to go. He exhibits poor judgment and cognitive deficits when it comes to his safety. His residence is in very bad condition. The floors and walls are filthy and thou house is infested with cockroaches. There is a very strong odor of urine and feces and many flies. The proposed conservatee claims one of his sons took his Social Security check and he had no food. Adult Protective Services and the Fresno Police have been called to the home numerous times. Conservatorship will ensure that Mr. Toscano's physical and personal needs are continuously met and that his resources are managed for his benefit.

Petitioner requests the authority to sell the proposed Conservatee's **50%** interest in his home located at 1310 N. Thorne Ave., Fresno, and authority to retain the services of a licensed real estate broker to assist in the sale of the real property (Note: See page 20 for similar request re: Mr. Toscano's wife who owns the other 50% interest in the home). Declaration of Deputy Public Guardian Anita Harper states that she spoke to Mr. Toscano regarding selling his home and that he didn't want to comment on the subject much and said to do what you have to do about the house.

Court Investigator Dina Calvillo filed a report on 08/25/14.

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

Age:		NEEDS/PROBLEMS/COMMENTS: <u>CONTINUED TO 10/14/14</u> Per request of counsel	
DOD:			
Cont. from			
<input type="checkbox"/> Aff.Sub.Wit.			
<input type="checkbox"/> Verified			
<input type="checkbox"/> Inventory			
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input type="checkbox"/> Notice of Hrg			
<input type="checkbox"/> Aff.Mail			
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.			
<input type="checkbox"/> Conf. Screen			
<input type="checkbox"/> Letters			
<input type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			Reviewed by: JF
<input type="checkbox"/> Status Rpt			Reviewed on: 09/08/14
<input type="checkbox"/> UCCJEA	Updates:		
<input type="checkbox"/> Citation	Recommendation:		
<input type="checkbox"/> FTB Notice	File 10 - Berlese		

DOD: 10/22/10		<p>LEANNE WALKER GRANT, niece, was appointed Administrator with bond fixed at \$7,000,000.00 on 03/12/12. Letters of Administration were issued on 05/16/12.</p> <p>First Report of Personal Representative and Petition for its Settlement; Petition to Determine Entitlement to Estate Distribution and to Allow Administration of Estate to Continue filed 06/13/13 and approved on 07/15/13.</p> <p>Minute Order from 07/15/13 set this matter status regarding preliminary distribution on 11/05/13.</p> <p>Inventory & Appraisal, partial No. 1 filed 09/20/13 - \$202,328.21</p> <p>Inventory & Appraisal, partial No. 2/Final filed 09/20/13 - \$6,763,876.49</p> <p>Status Report of Personal Representative filed 07/21/14 states: Counsel for the personal representative has prepared a petition for, among other things, settlement of the first account and petition for approval of a significant preliminary distribution of a portion of decedent's estate. Due to travel schedules, the personal representative and her counsel are not able to meet to discuss the proposed petition before the 07/24/14 hearing, but are scheduled to meet on 08/05/14. It is anticipated that a petition will be filed shortly after the 08/05/14 meeting and a continuance to 08/08/14 is requested.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 07/24/14</u> As of 07/24/14, nothing further has been filed.</p> <p>1. Need Petition for Preliminary Distribution.</p>
Cont. from 110513, 020314, 050514, 072414			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		<p>Reviewed by: JF</p> <p>Reviewed on: 09/08/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 11 – Lowery</p>	

Pro Per DeGeorge, Lois (Pro Per Petitioner, Executor)
 Atty Markeson, Thomas A., of Wild Carter & Tipton (for Valley Stairway, Inc.; Jerry DeGeorge; and Anthony DeGeorge, Jr.)

(1) First and Final Petition and Report of Executor (2) for Final Distribution

DOD: 9/3/2005		<p>LOIS MARIE DeGEORGE, spouse and Executor appointed on <u>7/25/2006</u> with Full IAEA authority without bond, is Petitioner.</p> <p>Account period: not stated [7/25/06 – 4/1/14] Petition does not state the account period pursuant to Probate Code § 1061(a). However, based upon this atypical case characterized by lapse of time with few administrative actions taken and the simplified accounting presented, the account period may be presumed to be from the date of appointment and/or date <i>Letters</i> issued, to the date of the execution and verification of this accounting.</p> <p>Accounting - \$ not stated Beginning POH - \$ not stated Ending POH - \$ not stated</p> <p>Executor - waives</p> <p>Petitioner states:</p> <ul style="list-style-type: none"> An Inventory and Appraisal has not been filed with this Court; No actions were taken under Independent Administration of Estates Act (IAEA); The heirs under Decedent's Will are JOSEPH DeGEORGE, grandson, and LISA M. FARMEN, granddaughter; On 11/17/2006, the Executor paid \$100,000.00 to JOSEPH DeGEORGE and \$100,000.00 to LISA M. FARMEN from the Trust of the Decedent; Executor received no fee for these distributions; Executor is not asking for compensation. <p>Petitioner prays for an Order of this Court that:</p> <ol style="list-style-type: none"> The administration of the Estate be brought to a close; and The <i>First and Final Petition and Report of Executor for Final Distribution</i> be approved. 	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 7/24/2014. <i>Minute Order</i> states examiner notes are provided to the petitioner. The petitioner is directed to provide notice to Joseph DeGeorge and all other parties legally entitled to notice.</p> <p>Note: <i>Minute Order</i> dated 6/12/2014 from the previous continuance of this matter states Ms. DeGeorge is directed to provide the required notice to the parties as well as counsel.</p> <p>Note: Court records do not show a <i>Final Inventory and Appraisal</i> has been filed in this estate pursuant to Probate Code § 8800(b), to inform the Court of any assets that may have been marshalled by the Executor.</p> <p>~Please see additional page~</p>
Cont. from 050814, 061214, 072414			
Aff.Sub.Wit.			
✓ Verified			
Inventory	X		
PTC	X		
Not.Cred.			
✓ Notice of Hrg			
✓ Aff.Mail	W/		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
✓ 9202			
Order	X		
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
✓ FTB Notice			

NEEDS/PROBLEMS/COMMENTS, continued: The following issues from the last hearing remain:

1. *Petition* does not identify the **TRUSTEE** of the **ANTHONY DeGEORGE REVOCABLE LIVING TRUST AGREEMENT**, the beneficiary of Decedent's Will. Need *Notice of Hearing of the Petition for Final Distribution on Waiver of Accounting*, together with a copy of the petition, and proof of mailed service of 15 days' notice prior to hearing pursuant to Probate Code §§ 1220, 11000 and 11601 for the **TRUSTEE** of the **ANTHONY DeGEORGE REVOCABLE LIVING TRUST AGREEMENT dated 5/13/1997**, as Amended by **FOURTH AMENDMENT thereto dated 8/24/2011**. (If the Petitioner is the Trustee of said Trust, the Petition should specify such to avoid the Court questioning proper service of notice.)
2. Need proposed order pursuant to Local Rule 7.1.1(F) providing that a proposed order shall be submitted with all pleadings that request relief.

Notes Re Distribution: *First and Final Petition and Report of Executor for Final Distribution* does not comply with the provisions for estate accountings pursuant to Probate Code §§ 1061 et seq. The following notes are provided for the Court's consideration with respect to approval of the *Petition*:

- Petitioner states in Paragraph 16 of the *Petition* under the heading "Distribution of Estate" that she distributed a total of **\$200,000.00** to two of Decedent's heirs from the "Trust of Decedent." It is unclear whether Petitioner intends to mean by this statement that the estate contains no assets, or to mean that assets were distributed from the Decedent's Estate to the Decedent's Trust, which is a violation of the Probate Code provisions requiring Court order authorizing distribution of estate assets. It appears Petitioner may have marshalled estate assets, based upon the statement that assets were distributed.
- It is unclear from the *Petition* whether Petitioner served or currently serves as Trustee of the Trust of the Decedent, though as Executor of the Estate she is responsible for distributing to the beneficiary in Decedent's Will, namely the **TRUSTEE** of the **ANTHONY DeGEORGE REVOCABLE LIVING TRUST AGREEMENT dated 5/13/1997**, as Amended by **FOURTH AMENDMENT thereto dated 8/24/2011**, and not directly to the two persons named in the *Petition*, **JOSEPH DeGEORGE**, grandson, and **LISA M. FARMEN**, granddaughter, who may be beneficiaries of the Decedent's Trust, but who are not identified as such in the instant *Petition*.

Notes for Background Re Case History:

- Lois DeGeorge (represented by Attorney John Fennacy) filed on 5/9/2006 a *Petition for Probate* seeking appointment as Executor of Decedent's Will dated 7/18/2002. Amended *Petition for Probate* was filed on 5/22/2006. Order for Probate appointing Lois DeGeorge as Executor was filed 7/25/2006, and Letters issued on that date.
- Lois DeGeorge (in pro per) filed on 4/3/2007 a *Petition for Order Compelling Central Valley Community Bank to Produce Documents*. Minute Order dated 5/7/2007 states in pertinent part that Jan Boman personally appeared on behalf of Central Valley Community Bank. Ms. Boman reported that Anthony DeGeorge has no assets at the bank as owner or beneficiary since 2002. *Petition* dismissed without prejudice.
- Lois DeGeorge (represented by Attorney Joanne Sanoian) filed on 2/16/2010 a *Petition to Determine Title to and Require Transfer of Personal Property to Estate of Decedent*. Following litigation including demurrer by attorneys for Jerome (Jerry) DeGeorge and Anthony DeGeorge, Jr., the Court issued on 7/19/2010 an *Order Dismissing Petition to Determine Title to and Require Transfer of Personal Property to Estate of Decedent*.
- Lois DeGeorge (represented by Attorney Joanne Sanoian) filed on 7/23/2010 a *First Amended Petition to Determine Title to and Require Transfer of Personal Property to Estate of Decedent*, culminating in an *Order Dismissing Petition* filed July 23, 2010 [by Lois DeGeorge to determine title to estate property], which was entered on 1/3/2011, thereby serving as the end to the litigation that had been ongoing since 2006.

17 Thomas Cole Talbot (Det Succ) Case No. 14CEPR00433

Atty Lovejoy, Randy (Pro Per Petitioner)
Atty Price, Jennifer Marie (Pro Per Petitioner)

Petition to Determine Succession to Real Property (Prob. C. 13151)

DOD: 5-23-12		RANDY LOVEJOY and JENNIFER MARIE PRICE , Friends, are Petitioners.	NEEDS/PROBLEMS/COMMENTS: <u>Note: Pursuant to the objection, this petition is moot and should be denied and dismissed as the property has already been administered by the Public Administrator. Therefore, this petition cannot go forward. The following Examiner Notes remain for reference only:</u> 1. Need filing fee of \$435.00. This petition was filed with a fee waiver; however, because the asset valued at \$70,000.00 is requested to be distributed to Petitioners. Therefore, the filing fee is due prior to distribution. 2. Petitioners do not state Decedent's interest in the property. Did the decedent own a 100% interest in the property? 3. Decedent's will is not self-proving. The Court may require Proof of Subscribing Witness (DE-131) pursuant to Probate Code §8220. 4. Need order (DE-315). Reviewed by: skc Reviewed on: 9-8-14 Updates: Recommendation: File 17 - Talbot
		40 days since DOD	
Cont'd from 062614		No other proceedings	
		I&A: \$70,000.00	
<input type="checkbox"/>	Aff.Sub.Wit.	Will dated 3-10-10 devises decedent's entire estate to Petitioners.	
<input checked="" type="checkbox"/>	Verified	Petitioners request Court determination that Decedent's real property located at 3992 E. Marcus in Friant, CA, passes to them, each as to an undivided one-half interest.	
<input checked="" type="checkbox"/>	Inventory	On 8-20-14, the Fresno County Public Administrator filed an Objection.	
<input type="checkbox"/>	PTC	Objector states the petition is moot because the estate consisting solely of real property was already administered by the Public Administrator pursuant to Probate Code §7660(a)(2). This case was first reported to the Public Administrator by the Coroner on 5-24-12, the day after the decedent died. The PA researched the estate and determined there was no personal property to be sold and the house had over \$100,000 in liens against it, including a bail bond and back taxes. The property was worth no more than \$50,000, so it could not be sold. It was expected to go to tax sale. Therefore, it appeared there was no estate to probate at that time.	
<input type="checkbox"/>	Not.Cred.	In May 2014, Wayne Fox, Supervising Environmental Health Specialist, contacted the PA and explained that the property had come to the attention of the Fresno County Board of Supervisors because it was a reported drug house next to a school. The PA visited the property with a Sheriff Deputy, who reported that they check on the house daily. He also advised that Randy Lovejoy reported that he was handling the estate.	
<input type="checkbox"/>	Notice of Hrg	On 5-1-14, the PA contacted Mr. Lovejoy, who stated that the property was his pursuant to a will he found on a guitar he took from the residence, but the debt was not his. The PA explained that the debt was on the residence and the PA was probating the estate due to the liens and condition of the property. Mr. Lovejoy then filed this petition on 5-13-14.	
<input type="checkbox"/>	Aff.Mail	Also on 5-13-14, Mr. Fox provided information regarding the status of the house as a "local drug house and trash dump." The property has been extensively vandalized and is extremely dilapidated and most likely need to be torn down.	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input checked="" type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order	X	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

SEE ADDITIONAL PAGES

Page 2

Objection (Cont'd): Various appraisals and contractors recommended demolition. The bail bondsman agreed to file a deed of reconveyance, and released the lien of \$110,000.00. The Franchise Tax Board, which was owed \$86,000.00, agreed to take whatever could be paid.

The PA accepted an offer from Table Mountain Rancheria and the property was sold. After commissions and sale expenses, \$22,943.90 was paid toward the tax lien. The PA received \$2,025.00 for fees and additional taxes.

Therefore, there is no property to go to Mr. Lovejoy, so his petition is moot and should be dismissed.

DOD: 6-5-13		FRANCISCO E. ALVAREZ , Successor Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Petitioner states Settlor Edith Corinne Nelson created the trust on 2-15-05. The Settlor died on 6-5-13.	1. Petitioner provided a copy of the trust, but did not provide a copy of the Schedule A that lists the house. The Court may require a copy of Schedule A.
Cont. from 090214			
	Aff.Sub.Wit.	Petitioner states the trust is now terminable and distributable according to its terms.	2. Notice of Hearing filed 8-19-14 indicates mailing on 8-19-14, which is only 23 days prior to the hearing. Probate Code §17203 requires 30 days' notice. Continuance for proper time for notice may be necessary.
✓	Verified		
	Inventory	Schedule A of the trust reflects intended conveyance and transfer by the Settlor to the trust of her interest in certain real property on Brooke Avenue in Fresno. The trust also references the property by address at Article Five, Section 5.3(c). However, due to health issues, the Settlor did not record a trust transfer deed before her death.	
	PTC		
	Not.Cred.	On the same date as the trust, the Settlor also executed a pour-over will that names the trust as the sole beneficiary of the estate.	
✓	Notice of Hrg		
✓	Aff.Mail	w/o	
	Aff.Pub.	Petitioner states he has caused Notification of the Death of the Settlor and the Irrevocability of the Trust to be served upon beneficiaries pursuant to §16061.7 and no person has brought action to contest the trust.	
	Sp.Ntc.		
	Pers.Serv.	Petitioner prays for an order confirming the validity of the trust and that the property be determined to constitute an asset of the trust, and subject to the management and control of Petitioner as trustee, and for such other and further orders as the Court considers proper.	
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

Reviewed by: skc
Reviewed on: 8-27-14
Updates:
Recommendation:
File 24- Nelson